

UNITED STATES DISTRICT COURT

Northern

District of

California

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

FLEET MANAGEMENT LIMITED

CASE NUMBER: CR-08-0160 SI

Marc Greenberg

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) 1,5 and 8 of the Third Superseding Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
33:1319(c)(1) and 132(b)(3)	Negligent Discharge of a Pollutant	11/07	1
18:1001(a)(2)	False Statement	11/07	5
18:1519	Obstruction	12/07	8

The defendant organization is sentenced as provided in pages 2 4 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____

☒ Count(s) 2,3,4,6 and 7 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: _____


Defendant Organization's Principal Business Address:

16/F., MassMutual Tower, 38 Gloucester Rd, Wanchai, Hong Kong

Defendant Organization's Mailing Address:

February 19, 2010

Date of Imposition of Judgment


Signature of Judge

Susan Illston, United States District Judge
Name and Title of Judge

2/22/10
Date

DEFENDANT ORGANIZATION: FLEET MANAGEMENT LTD.

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PROBATION

The defendant organization is hereby sentenced to probation for a term of :

3 years. (A 3 year term of probation is imposed as to Counts 1,5 and 8, and shall run concurrent.)

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

The defendant shall make an organizational community service payment in the total amount of \$2 million, pursuant to §8B1.3 of the Federal Sentencing Guidelines, to be paid by February 26, 2010 (within 7 business days of sentencing). The defendant and the Government agree that this amount shall be paid to the National Fish and Wildlife Foundation ("NFWF").

While on probation, Fleet Management LTD, shall develop, adopt and implement and fund certain remedial measures to include an Enhanced Compliance Program ("ECP") as set forth in Attachment B of the Plea Agreement. The ECP may include existing and new measures and will seek to ensure that all deck officers are thoroughly familiar with applicable vessel operations and safety procedures before a vessel departs port. As set forth in Attachment B, Fleet will hire an outside and independent auditor that will conduct a study of the content and implementation of Fleet's existing safety management system, including bridge procedures, vessel take-overs, crew training, crew familiarization and changes.

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 975.00	\$ 8 million	\$

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:
- ☐ the interest requirement is waived for ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The \$8 million dollar fine consists of \$7 million for Count One, payable to the Oil Sill Liability Trust and \$500,000 for each counts Five and Eight, which shall be due immediately or paid in full by February 26, 2010. Criminal monetary payments shall be made to the Clerk of the U.S. District Court, Attention: Finance, 450 Golden Gate Ave., San Francisco, CA 94102.